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COMMISSION ON HUMAN RIGHTS
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Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Andorra*, Argentina, Armenia*, Austria, Azerbaijan*, Belarus, Belgium*, Bosnia and Herzegovina*, Bulgaria*, Cape Verde, Chile, Colombia*, Czech Republic, Denmark, Dominican Republic*, El Salvador, Ethiopia*, Finland*, France, Georgia*, Germany, Guatemala, Hungary*, Ireland, Israel*, Italy, Japan, Latvia*, Liechtenstein*, Luxembourg, Mali, Malta*, Mexico, Mongolia*, Nicaragua*, Philippines, Poland, Portugal*, Republic of Korea, Romania*, Rwanda, Slovakia*, Slovenia*, South Africa, Sweden*, Switzerland*, The Former Yugoslav Republic of Macedonia*, Ukraine and Uruguay: draft resolution

1998/... Human rights in the administration of justice in particular of children and juveniles in detention

Guided by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocols, and in particular article 6 of the latter Covenant,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Bearing in mind the relevant principles embodied in the Convention on the Rights of the Child, and in particular its articles 3, 37, 39 and 40, as well as the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women,

Deeply concerned at the severity and brutality with which children and juveniles are used as instruments in criminal activities,

Aware of the need for special vigilance with regard to the specific situation of children and juveniles as well as women in detention and their special needs while deprived of their liberty, in particular their vulnerability to various forms of abuse, injustice and humiliation,

Reaffirming that the best interest of the child must be a primary consideration in all decisions concerning the deprivation of their liberty, in particular that every child deprived of liberty shall be separated from adults, unless it is considered in the child's best interest not to do so,

Underlining the need to further increase the cooperation in the field of the administration of justice between the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice,

Welcoming the important activities of the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention and the United Nations Development Programme in the field of juvenile justice,

Welcoming also the Guidelines for Action on Children in the Criminal Justice System, as annexed to Economic and Social Council resolution 1997/30 on administration of juvenile justice, including the establishment of a coordination panel on technical advice and assistance in juvenile justice,

1. Takes note with appreciation of the report of the Secretary-General (E/CN.4/1998/35);

2. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

3. Reiterates its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of these standards;

4. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights;

5. Invites Governments to provide training, including gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers and other professionals concerned, including police and immigration officers;

6. Encourages States to make use of technical assistance offered by the United Nations programmes of advisory services and technical assistance in order to strengthen national capacities and infrastructures in the field of the administration of justice;

7. Invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

8. Calls upon the Secretary-General to strengthen system-wide coordination in the field of administration of justice, in particular between the United Nations programmes in the field of human rights and crime prevention and criminal justice;

9. Welcomes the fact that the Committee on the Rights of the Child attaches particular importance to the question of the administration of juvenile justice and that it has made concrete recommendations concerning the improvement of juvenile justice systems, through action by the Secretariat and other relevant United Nations entities, including the provision of advisory services and technical cooperation;

10. Also welcomes the establishment of a Coordination Panel on technical advice and assistance in juvenile justice which aims at coordinating activities in the field of juvenile justice undertaken by relevant entities of the United Nations system as well as non-governmental organizations, professional groups and academic societies involved in the provision of technical advice and assistance;

11. Requests the High Commissioner for Human Rights to continue to pay special attention to the subject of juvenile justice;

12. Calls upon special rapporteurs, special representatives and working groups of the Commission on Human Rights to continue to give special attention to questions relating to the effective protection of human rights in the

administration of justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for measures of advisory services and technical assistance;

13. Recognizes that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her dignity and needs;

14. Recommends that States ensure that all structures, procedures and programmes in the administration of justice with regard to child offenders promote assistance to allow children to take responsibility for their actions and to encourage, inter alia, reparation, mediation and restitution, especially for the direct victim of the crime;

15. Urges States to take appropriate steps to ensure compliance with the principle that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained or imprisoned, children and juveniles, unless it is considered in their best interest not to do so, are separated from adults;

16. Also urges States to take fully into account, in their national legislation and practice, and disseminate widely the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

17. Requests the Secretary-General to present a report to the Commission at its fifty-sixth session on practical measures for the implementation of the international standards in the field of human rights in the administration of justice, in particular juvenile justice, including on the role of technical assistance of the United Nations system in this regard;

18. Decides to consider this question at its fifty-sixth session under the item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".